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## CRITICAL NOTES.

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### ON THE FORENSIC MEANING OF δικαιοσύνη.

BIBLICAL theology has scarcely come to its own in determining the distinctively Pauline conception of δικαιοσύνη, and especially of δικαιοσύνη θεοῦ in Rom. 3 : 21, 22. It is a commonplace of Protestant exegesis, not to say of biblical philology, that δίκαιος and its cognates have more or less often in Paul a forensic sense, but it is by no means a matter of agreement precisely what that forensic sense is.

The considerations to be presented in the following note may be conveniently grouped under four propositions :

1. Δικαιοσύνη, "righteousness," in all its meanings, whether ethical or forensic, *has back of it the idea of law*. This is unquestionably true of its biblical, and especially of its Pauline, use. With Paul, indeed, it could scarcely be otherwise—Paul the Israelite, nay, a Hebrew of the Hebrews, and a Pharisee, trained in Judaistic theology. To him religion had once been wholly a system of morality, legally defined. When he became a Christian, his watchword was no longer law, but grace. Yet the moral government of the world had not been abolished by grace, and on some terms or other the law of God was still to be reckoned with. His own profound religious experience made such an adjustment necessary. But even otherwise it would have become a necessity in the conduct of his apostolic mission—forced upon him by the conflict with Judaism. His argument with the Judaizers must inevitably move in the plane of their thought, and what the Pharisaic point of view was on the subject of righteousness becomes unmistakably manifest in the synoptic gospels. Weber's account of the early rabbinic theology describes with more detail, and with abundant citation, essentially the same view ; see *Die Lehren des Talmud*,<sup>1</sup> the chapters entitled : "Gesetzlichkeit das Wesen der Religion," and "Die Gerechtigkeit vor Gott und das Verdienst."

The argument in the first five chapters of Romans takes for granted

<sup>1</sup> Recently (1897) edited again under the title : *Jüdische Theologie, auf Grund des Talmud u. verwandter Schriften gemeinfasslich dargestellt*. Leipzig, xl + 427 pp., 8vo, M. 8.

the elementary ideas that enter into the concept of obligatory law. It assumes that law takes cognizance of the moral action of free, intelligent persons, that it involves obligations and correlative rights, and that it provides for compensatory consequences, whether of reward or punishment. The argument aims not to prove that sin exists, or that men are sinners, but that as sinners they are personally responsible, accountable to the law, and subject to its condemnation. It is distinctly forensic from beginning to end, in terms and in method.

Nor are we left in doubt as to what "law," or, specifically, "the law," meant to the apostle Paul. It was the will of God revealed to men as a rule of moral life. In written form it was the Old Testament Scriptures, but broadly viewed it included the entire historical revelation which had taken place under the old covenant.

It is of the first importance to bear in mind, as we proceed in our definition, that *δίκαιος* and its cognates do not in themselves contain the idea of moral excellence, only that of an objective relation to the law. Legality, not virtue, is the essential factor. *Δικαιοσύνη*, "righteousness," is *conformity to the law*; this is the primary idea; what the content of the law is, what virtue is, is secondary. With the English words "righteous" and "righteousness" the opposite is now the case. Virtue or goodness—their ethical quality—is the essential mark, at least in their prevailing and popular use. The objective relation to law which they imply has become altogether secondary in thought. It is easy to lose sight of this important difference between the Hellenistic *δικαιοσύνη* and the word "righteousness" by which we ordinarily translate it. The signal vice of Judaistic ethics was that it viewed morality and religion for the most part as an outward matter; it emphasized, not the spirit, but the form, not virtue, but legal conformity.

Both Judaism and the divine law itself were, however, at one in this: They insisted upon obedience as the only method of securing conformity to the divine will—of becoming "just with God." By obedience one could be "justified," and the reward was life. The penalty of disobedience was death.

2. *Δικαιοσύνη* (in Rom. 3:21, 22) *has back of it the idea of violated law*. The first five chapters of Romans, so far as the exposition of justification is concerned, have wholly to do with the case of sinners—with those who are not only destitute of ethical righteousness, but have become positively *ἄδικοι* and *ὑπόδικοι*. The conclusion reached in 3:19, 20, to which the argument from the start has been leading,

is that all must perforce acknowledge themselves to be ὑπόδικοι θεῷ, guilty in their relation to God—guilty in the full sense of the word, that is to say, personally responsible for their sin and subject to the law's condemnation. As already remarked, the Pauline indictment aims chiefly to establish the fact of their accountability to the law, rather than of their unholiness, the moral evil of their condition. The ὁργὴ θεοῦ of 1:18 marks out the line of the argument at the outset; note also ἄξιοι θανάτου in 1:28, and the use of κρίνω and its cognates ten times in the opening section of the second chapter; and the case is summed up by showing that the law provides no way of relief from this universal guilt and condemnation: "by the works of the law shall no flesh be justified in his sight" (3:20). Looking forward to the final judgment, when all human lives shall pass under review, Paul declares that on the basis of the law there can be no clearance from guilt. For the disobedient there is no δικαίωσις.

The law once violated provides no way of relief, no δικαίωσις. With one exception. There is, technically considered, one way, namely, by the sinner's submission to the imposed penalty. Thus, and thus only, so far as the terms of the law are concerned, can he become non-ὑπόδικος, or "justified." After a man has suffered the required penalty he is no longer in the eye of the law guilty. All law recognizes this principle, and with Paul it is axiomatic: "He who hath died is justified from sin" (Rom. 6:7). Obviously this mode of justification could not inure to the advantage of the sinner. It would maintain the law, but would be fatal to him.

3. But now the gospel announces another δικαίωσις, a free gift. Its nature is briefly described in Rom. 3:21-26, a remarkably clear and compact definition of what the apostle peculiarly terms δικαιοσύνη θεοῦ. In this passage it becomes evident that *with Paul δικαιοσύνη derives its forensic sense from the verb δικαίω and its cognate noun δικαίωσις.* This is a third datum furnished by the analysis of the Pauline argument, contributing to the solution of the problem indicated in the title of the present article. In every case where the apostle uses δικαιοσύνη in its forensic sense there is implied a previous δικαίωσις. We must not attempt to deduce this sense directly from the adjective δίκαιος, but through the line of the verbals derived from it. It is still less allowable to reverse the true order and seek for the meaning of the verb from the noun.

That δικαίω in New Testament Greek is always forensic we assume. With those who take the opposite view, urged anew by Professor Gould

in the January number of this JOURNAL (pp. 149-158) we make no argument. What we insist upon is, that, the forensic sense of the verb once ascertained, it determines the forensic sense of the noun. The verdict of modern philology that *δικαίω* is forensic will not easily be reversed—meaning “to declare righteous,” or “to accept as righteous.” This definition, however, leaves the question still open what is signified by “righteous.” According to our view this ambiguity is unnecessary; we render *δικαίω* in Rom. 3:20, 24, 26 and similar connections by its nearest untechnical English equivalent—to “pardon.” To “justify” in these passages means simply and only to “pardon.” It denotes acquittal, the opposite of condemnation, and it needs scarcely be added that acquittal, *in the case of those who have violated the law*, is simply pardon. That “justify” is the precise antithesis of “condemn” is evident from such passages as Rom. 2:12, 13, “as many as have sinned under law shall be judged by law; . . . but the doers of a law shall be justified;” 8:33, 34, “It is God that justifieth; who is he that shall condemn?” Condemnation is the act of declaring guilty and consigning to punishment; if justification be its true opposite, it is the act of releasing from legal accountability, and remitting the sentence of punishment—and no more. A remarkably lucid as well as accurate statement of the biblical sense of *δικαίω* will be found in Beyschlag, *New Testament Theology*, Bk. III, in the chapter treating of “justification in the epistle of James.” In the English translation it is pp. 362, 363 of the section entitled “The Concept of Justification in General.” The line is there clearly drawn between *justificatio justi* and *justificatio injusti*, the Pauline *δικαίωσις* being the latter. Unfortunately, in the later chapters, which expound the Pauline conception in detail, Beyschlag assigns to the faith of the *injusti* an ethical value, making it the germinal factor of a new imparted moral life, and thus converts the *justificatio injusti* of Paul back into a *justificatio justi*.

We make no objection to the familiar definition of *δικαίω*, “accept as righteous,” except that the word “righteous” still needs to be defined. Otherwise the reader is left quite uncertain in what respect the justified person is judged righteous, or else takes it for granted that it is by virtue of some moral excellence either acquired by or attributed to him. Now it is liable to be overlooked that “accept as righteous” is an expression found neither in the writings of Paul nor in the New Testament elsewhere. If employed as an equivalent of *δικαίω*, *justify*, it should be with the distinct understanding that “righteous” is used in a non-moral sense, having no ethical content

whatever. It is, as already explained, simply equivalent to non-*ὑπόδικος*, free from legal accountability. Justification not only does not impart moral excellence, but presupposes none, imputes none. God is he who "justifieth *the ungodly*" (Rom. 4 : 5), and he does so not by attributing to him any moral quality entitling him to justification, but simply as a matter of grace, "by not imputing unto him his trespasses" (*cf.* 2 Cor. 5 : 19).

The three terms into which the Pauline doctrine of justification came to be crystallized are *δικαίωω*, *δικαίωσις* (with which *δικαίωμα* in Rom. 5 : 16 is nearly interchangeable), and *δικαιοσύνη* (also used interchangeably with *δικαίωσις*), and this is their logical order. That the verb is the exact opposite of the forensic "condemn" has been shown above. The nouns are used in the same limited sense. See Rom. 5 : 16, 18, where they are opposed to *κατάκριμα*, and 2 Cor. 3 : 9, where "the ministry of condemnation" is contrasted with "the ministry of righteousness" (*δικαιοσύνης*). "Justify" and "justification" seem, accordingly, in the Pauline vocabulary, to denote the sovereign act of *pardon*, grounded (precisely by what moral principle the apostle nowhere fully explains) on the propitiatory death of Christ. That which in the synoptic gospels is called the "remission of sins" (*ἄφεσις ἁμαρτιῶν*) is technically designated in the theological controversy with Judaism "justification" from sins; *cf.* Acts 13 : 38, 39, where the two thoughts stand in parallelism: "through this man is proclaimed unto you remission of sins; and by him everyone that believeth is justified from all things, from which ye could not be justified by the law of Moses." Forgiveness, or remission, however, is properly a personal act, and does not necessarily look beyond the restoration of a ruptured personal relation, as when one forgives a friend's neglect, or a father forgives a child's ingratitude. Justification, like pardon, belongs in its proper sense to the domain of established law, and is the act of a judge or a moral sovereign. "Restoration to favor" may for popular purposes be added as a phrase explanatory of the result of justification, but does not strictly belong within the Pauline concept; his term denoting this is *καταλλαγή*, *reconciliation*, which has to do with the personal relation as such, and does not belong to the legal sphere. The distinction between the two should not be obliterated. In the apostle's argument they are closely related, and he passes freely from one to the other, but nowhere identifies or confuses *καταλλαγή* with *δικαιοσύνη*. Yet the former is a distinct and

prominent conception in his theology, and one which has not received its fair share of attention.

*Adoption* (*νιοθεσία*), on the other hand, differing in this regard from *reconciliation*, is a legal conception, probably derived from well-known Roman usage. Justification includes neither reconciliation nor adoption, but is logically requisite to both. Justification does not even imply adoption, but furnishes the necessary legal basis. It is the entire legal *sine qua non* of all the privileges and blessings which accrue to the believer through Christ's redemption. The apostle Paul could have borrowed the language of John: "But as many as received him [*i. e.*, believed], to them gave he *the right* to become the children of God." Justification bestows that "right."

4. *Δικαιοσύνη*, therefore, *in its strictly forensic meaning, and denoting the result of a δικάσιμος*, is *legal acceptableness, the status before the law of a pardoned sinner*. For lack of any precisely equivalent English word, "righteousness" will doubtless remain its usual rendering, though always open to the objection that to the lay reader it is ethical, not forensic, in its suggestion. By taking it in the sense just defined, and disengaging the idea from all other elements which combine to make up the whole soteriological fact, Paul's exposition of justification in Galatians and Romans becomes luminously clear and consistent.

To the common objection that justification thus limited is purely formal and negative, and becomes to the sinner an empty gift, the obvious reply is that justification is nowhere represented by the apostle as being the whole of the soteriological process, or even as its principal phase. How differently he describes the way of salvation in the first and second chapters of Ephesians. The doctrine of justification is a theoretical adjustment of the gospel to the principles of moral law—an adjustment demanded by the Jewish mind at that time, and by the legalistic mind at all times. A writer in the *Expositor* recently referred to the Jewish "passion for pardon." Now Israel's seeking after righteousness, to which Paul refers, amounted precisely to this; it was a passion for pardon. The goal of their effort was not a holy soul, a regenerate nature, but to stand uncondemned at the great assize, and thus enter into the kingdom. Thus, to be "just with God" was, to the Judaist, if not the whole of salvation, about all of salvation that he was earnestly concerned with. Those who obtained "righteousness" did not *de facto* become, but gained the right to become, sons of the kingdom. It cannot be too often repeated, when the signification of *δικαιοσύνη θεοῦ*

in Rom. 3: 21, 22 is in question, that this term sprang out of the great controversy with Judaism, and stands for a distinct conception which the conditions of contemporaneous theology made it necessary for the apostle Paul to define and defend.

That justification is synonymous with pardon has been often enough maintained in Protestant circles, but the argument needs the clearest possible restatement. The object of the present note is particularly to insist that the corresponding definition of the noun δικαιοσύνη should be consistently adhered to throughout the Pauline exposition. The chief hindrance to so doing is the phrase "imputed righteousness," chiefly derived from the fourth of Romans. This must for a moment be considered. In that chapter λογίζομαι, *to be reckoned*, or *set to one's account*, occurs eleven times. The Revisers have discarded altogether in this connection the word "impute" and in each instance render "reckon." But the difficulty felt by all readers does not depend on the rendering. Paul does at first sight in this chapter seem to regard faith as constituting righteousness in some ethical sense, and to represent the believer either as inherently righteous by virtue of his faith, or else as invested with the ethical righteousness, the moral excellence of Christ. Calvin accordingly defines justification as consisting in "the remission of sins and the imputation of the righteousness of Christ," although in his argument later on with Osiander he contends that God *justifies by pardoning*, and that the remission of sins is the whole definition.

The difficulty disappears when we observe that the fourth chapter adds no new constituent elements to the idea of δικαιοσύνη θεοῦ, which was already defined in the third chapter, but uses at length the case of Abraham to show how the same principles of faith held under the old covenant. "Faith was reckoned for righteousness" to Abraham—Old Testament phraseology—is used as the precise equivalent of Abraham "was justified by faith." The apostle plainly limits it thus, as Calvin himself strenuously insists, urging that Paul means the psalmist's words, "Blessed are they whose iniquities are forgiven," to be a complete definition, not a partial one, of the "righteousness" imputed to Abraham. He adds (*Institutes*, III, 11): "Certainly Paul does not adduce the testimony of the psalmist as teaching that the pardon of sins is a *part* of righteousness, or *concurs* to the justification of a man, but he includes the whole of righteousness in a free remission, pronouncing, Blessed are they whose iniquities are forgiven, and whose sins are covered. Blessed is the man to whom the Lord will not reckon sin."



Calvin is not the only interpreter who has failed to apply the apostle's limitation with absolute consistency throughout the entire argument in Romans, disengaging the strictly forensic sense of the Pauline term from all ideas of inherent or of attributed moral excellence. Even Weiss, whose exposition of the argument (in his *Biblical Theology of the New Testament*, Part III, sec. ii, chap. 6) is in a marked degree faithful to Scripture, allows himself in one instance to say: "God reckons something for righteousness which is not righteousness in itself, and on the ground of which he did not need to justify." Writing as we do in the interest of biblical theology purely, and aiming to interpret the Pauline thought rather than to construct a comprehensively scriptural doctrine of justification, we have no concern with either the phrase or the doctrine of "imputed righteousness" beyond its meaning in the fourth of Romans. That Christ's ethical righteousness becomes ours appears not to be taught there, nor indeed anywhere in the Pauline writings. So far as the content of *δικαιοσύνη* is concerned, in the fourth chapter, as well as in verses 21, 22 of the third, there is little doubt that Calvin expresses the case exactly in the words already quoted: "Paul includes the whole of *righteousness* in a free remission."

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#### A STRICTURE ON SCHAFF'S ACCOUNT OF SERVETUS.

SERVETUS stands on the border line which separates the intolerance of the Middle Ages from the spirit of religious freedom in modern times. Accordingly the interest centering in Servetus has less to do with his opinions, scientific and theological, though these in many instances anticipated the progress of after centuries, than with his connection with the theory of persecution, which caused his death. "I am more deeply scandalized," says Gibbon, "at the single execution of Servetus than at the hecatombs which have blazed at the *auto-da-fés* of Spain and Portugal."

The present paper grew out of the writer's feeling that Schaff's account of Calvin in Vol. VII of his *History of the Christian Church* is manifestly unfair to Servetus. Even if prior to the reading of that book the facts of Servetus' life should have been unknown to one, Schaff's account itself would beget a sense of injustice done to Servetus. This is due to the author's inability to conceal his grudge against Servetus